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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/942,176	08/28/2001	Danny M. Nessett	3COM-3716.TDC.US.P	6999

7590 07/28/2005

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EXAMINER
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HO, THOMAS M

ART UNIT	PAPER NUMBER
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2134

DATE MAILED: 07/28/2005

Please find below and/or attached an Office communication concerning this application or proceeding.

**Office Action Summary**

Application No.

09/942,176

Applicant(s)

NESSETT, DANNY M.

Examiner

Thomas M. Ho

Art Unit

2134

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

**Period for Reply**

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

**Status**

- 1) ☒ Responsive to communication(s) filed on 5/9/2005.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

**Disposition of Claims**

- 4) ☒ Claim(s) 1-25 is/are pending in the application.
- 4a) Of the above claim(s) \_\_\_\_\_ is/are withdrawn from consideration.
- 5) ☐ Claim(s) \_\_\_\_\_ is/are allowed.
- 6) ☒ Claim(s) 1-25 is/are rejected.
- 7) ☐ Claim(s) \_\_\_\_\_ is/are objected to.
- 8) ☐ Claim(s) \_\_\_\_\_ are subject to restriction and/or election requirement.

**Application Papers**

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on \_\_\_\_\_ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.  
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).  
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

**Priority under 35 U.S.C. § 119**

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some \* c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
  2. ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.
  3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

\* See the attached detailed Office action for a list of the certified copies not received.

**Attachment(s)**

- |  |  |
|--|--|
| 1) <input type="checkbox"/> Notice of References Cited (PTO-892)   | 4) <input checked="" type="checkbox"/> Interview Summary (PTO-413)<br>Paper No(s)/Mail Date. _____ |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948)                                   | 5) <input type="checkbox"/> Notice of Informal Patent Application (PTO-152)                        |
| 3) <input type="checkbox"/> Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)<br>Paper No(s)/Mail Date _____ | 6) <input type="checkbox"/> Other: _____   |

**DETAILED ACTION**

1. Claims 1-25 are pending.
2. A brief Examiner initiated telephonic interview was performed on July 21<sup>st</sup>, 2005 with John P. Wagner. The Examiner informed Applicant's representative that the claims appear allowable over the prior art, however several minor issues regarding antecedent basis and clarity need to be addressed before the application is allowed. Applicant's representative informed Examiner that a telephonic response would likely be returned to the Examiner that same day, however no response has been received. As per the USPTO's policy of timely responding to applicant's amendment, the Examiner has proceeded to issue a second non-final action with a rejection addressing the deficiencies of the claims as they now stand.

***Claim Rejections - 35 USC § 112***

3. The following is a quotation of the second paragraph of 35 U.S.C. 112:  
  
The specification shall conclude with one or more claims particularly pointing out and distinctly claiming the subject matter which the applicant regards as his invention.

Claim 1 recites a "said processing" in the third paragraph. The processing as referred to by applicant lacks antecedent basis. Although the Applicant refers to "a method of processing" in the claim preamble, the preamble is a subject area that merely introduces the context the limitations are to be placed in. A step of actual processing

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must be introduced in the recited elements to overcome the antecedent basis issue. It is noted that neither claim 9 nor 17 has this deficiency.

Claims 1-25 are rejected under 35 second paragraph, as being incomplete for omitting essential steps, such omission amounting to a gap between the steps. See MPEP § 2172.01. The omitted steps are: Steps to enable the method of processing encrypted communication such that said processing is shared by the access point and access point server.

Attention is directed towards the independent claims, 1, 9, 17.

The final sentence of each of the claims refers to subject matter wherein a recited processing is shared by said access point, and said access point server. However, the steps recited in the limitations to this claim does not result in the processing as recited by applicant.

Claims 1, 9, 17 comprises, receiving a message from a wireless client containing various bits of information, generating a second message containing more identifying information, and sending these values to an access point server, where the access point server generates more information to be used. However, essential matter indicating how the access point is involved such that the processing is shared is omitted.

***Conclusion***

4. Any inquiry concerning this communication from the examiner should be directed to Thomas M Ho whose telephone number is (571)272-3835. The examiner can normally be reached on M-F from 9:30 AM - 6:00 PM.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Gregory A. Morse can be reached on (571)272-3838.

The Examiner may also be reached through email through [Thomas.Ho6@uspto.gov](mailto:Thomas.Ho6@uspto.gov)

Any inquiry of a general nature or relating to the status of this application or proceeding should be directed to the receptionist whose telephone number is (571)272-2100.

General Information/Receptionist Telephone: 571-272-2100 Fax: 703-872-9306

Customer Service Representative Telephone: 571-272-2100 Fax: 703-872-9306

TMH

July 23rd, 2005

David Y. Jung  
Primary Examiner

A handwritten signature in black ink, appearing to read 'J. Ho', written over the printed name of the examiner.A long, flowing handwritten signature in black ink, likely belonging to the examiner or a representative.